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TO RUEHC/SECSTATE WASHDC PRIORITY 4408
INFO RUEHRG/AMCONSUL RECIFE 4275
RUEHRI/AMCONSUL RIO DE JANEIRO 1454
RUEHSO/AMCONSUL SAO PAULO 6258
RUEHDE/AMCONSUL DUBAI 0001
RUEHBU/AMEMBASSY BUENOS AIRES 3765
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SUBJECT: Brazil: Demarche on SAICM Issues

Ref: A) STATE 11460 B) 05 Brasilia 2463

1. (SBU) On January 31, Econoff delivered ref A talking points to (Jose) Rafael Azeredo, Chief of the Foreign Ministry's Division on Environmental Policy and Sustainable Development and the Brazilian head of delegation to the final negotiations of the Strategic Approach to International Chemicals Management (SAICM) in Dubai February 4-6.

2. (SBU) Azeredo made the following points:

-- Documents for meeting: Brazil's preference is to use the SAICM President's redrafts of the three "outcome documents" as the basis for final negotiation in the Dubai meeting. However, the GoB understands that this may not be acceptable to all countries, particularly those that did not participate in a "Friends of the Chair" gathering in Geneva, and the President will have to be sensitive to this. While preferring the President's redrafts as the basis for discussion, Azeredo agreed that the substance of what was negotiated in Prepcom3 needs to be preserved.

-- Precaution: Brazil as well does not support any attempt to reinterpret or expand upon any of the Principle and Approaches agreed to at the Rio Earth Summit in 1992. The GoB would only support text that makes reference to Rio Principle 15 as it currently exists.

-- Scope: The GoB agrees that the SAICM scope should be focused on chemicals, and that products such as food additives and pharmaceuticals should be excluded. However, Azeredo raised concern over how this could be accomplished. He characterized the issue as primarily one of language; care would have to be taken so that the text to exclude food additives and pharmaceuticals would not inadvertently exclude the chemicals which are inputs for these products.

-- Savings Clause: The GoB understands the USG concern. However, since SAICM is voluntary, the GoB does not believe a Savings Clause is legally necessary to ensure that it does not affect the interpretation or application of international agreements/obligations. Furthermore, Azeredo asserted that delegations, including Brazil, worry that overstatement of the voluntary nature of the SAICM in the text will diminish the political impact of the SAICM domestically, undermining the efforts of national authorities to use it to improve chemical management,

particularly in developing countries. In other words, by inserting repetitive language pointing to the instruments voluntary nature, it will lead leaders/authorities to conclude that the SAICM is of little value.

-- Global Plan of Action (GPA): Azeredo asserted the usefulness of the GPA, particularly for developing countries which do not have much experience with chemicals management, and noted that it is not mandatory since it is part of a voluntary instrument. However, he acknowledged that presentation of the plan should make clear that it was not negotiated and that it is simply a listing.

13. (SBU) Azeredo took the opportunity to raise "financial considerations" as an extremely important issue from Brazil's perspective. Even though SAICM is voluntary, Azeredo said it will hopefully generate actions within developing countries to improve chemicals management. Those actions and investments entail a cost and the SAICM text will need to include a clear statement on how these improvements will be financed. Azeredo said that countries want to reach the 2020 goal for chemical management, but that commitment appears hollow if countries avoid grappling with the financing issue. Azeredo said he understood that some delegations within the G-77 might not endorse the final SAICM text should it not include language on financing.

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